

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHAL DIVISION**

BOXCAST INC.)	CASE NO. 2:21-cv-00217
)	
Plaintiff,)	JUDGE RODNEY GILSTRAP
)	
vs.)	
)	
RESI MEDIA LLC, PUSHPAY USA INC., and)	
PUSHPAY HOLDINGS LTD.)	
)	
Defendant.)	

DECLARATION OF MARK W. McDOUGALL

1. I, Mark W. McDougall, submit this Declaration on behalf of BoxCast Inc. (“BoxCast”) in support of BoxCast’s Reply to its Motion for Preliminary Injunction.
2. I am a partner at the law firm of Calfee, Halter & Griswold LLP.
3. Attached as **Ex. D-2** to this Declaration is a true and correct copy of an article from <https://cloud.google.com/iot/docs/how-tos/mqtt-bridge>, titled, “Publishing over the MQTT bridge,” downloaded at my direction on January 16, 2022.
4. Attached as **Ex. D-3** to this Declaration is a true and correct copy of excerpts from the Deposition of Brad Reitmeyer, taken on January 14, 2022.
5. Attached as **Ex. D-4** to this Declaration is a true and correct copy of an article from <https://www.hivemq.com/blog/mqtt-essentials-part-10-alive-client-take-over>, “Keep Alive and Client Take-Over- MQTT Essentials Part 10,” written by The HiveMQ Team and published on March 16, 2015.

6. Attached as **Ex. D-5** to this Declaration is a true and correct copy of an article from <https://www.vyopta.com/blog/video-conferencing/understanding-packet-loss>, titled, “Troubleshooting packet loss: How much is an acceptable amount?,” and published by vyopta on December 19, 2019.

7. Attached as **Ex. D-6** to this Declaration is a true and correct copy of excerpts from Exhibit A to BoxCast’s Disclosure of Asserted Claims and Infringement Contentions, served on September 15, 2021.

8. Attached as **Ex. E-2** to this Declaration is a true and correct copy of a White Paper, from https://www.cisco.com/c/dam/en_us/about/ac79/docs/innov/IoT_IBSG_0411FINAL.pdf, titled, “The Internet of Things: How the Next Evolution of the Internet Is Changing Everything,” written by Dave Evans and published by Cisco in April 2011.

9. Attached as **Ex. E-3** to this Declaration is a true and correct copy of an article from <https://www.scality.com/solved/the-history-of-cloud-computing>, title “The history of cloud computing,” downloaded at my direction on January 12, 2022.

10. Attached as **Ex. E-4** to this Declaration is a true and correct copy of an article from <https://www.newsweek.com/web-tv-slingbox-hosting-legal-83485>, titled, “Web TV: Is Slingbox-Hosting Legal?,” written by Newsweek Staff and posted on December 16, 2008.

11. Attached as **Ex. E-5** to this Declaration is a true and correct copy of excerpts from the Deposition of Chuck Easttom, Ph.D., taken on January 5, 2022.

12. Attached as **Ex. E-6** to this Declaration is a true and correct copy of excerpts from the Deposition of Brad Reitmeyer, taken on January 14, 2022.

13. Attached as **Ex. E-7** to this Declaration is a true and correct copy of an article from <https://www.cnet.com/reviews/sling-media-slingbox-pro-hd-slingboxprohd-review>, titled

“Sling Media Slingbox Pro-HD review,” edited by Emma Bayly and published by CNET on October 27, 2010.

14. Attached as **Ex. E-8** to this Declaration is a true and correct copy of an article from <https://campustechnology.com/articles/2007/08/anystream-nabs-lectopia-launches-lecture-capture-division.aspx?admgarea=News>, titled “Anystream Nabs Lectropia, Launches Lecture Capture Division,” written by David Nagel and posted on August 28, 2007.

15. Attached as **Ex. E-9** to this Declaration is a true and correct copy of a screenshot from Geof Allen’s profile on the website LinkedIn.com, created at my direction on January 14, 2022.

16. Attached as **Ex. E-10** to this Declaration is a true and correct copy of a conference schedule posted on the Center for Computer-Assisted Legal Instruction’s website, <http://conference.cali.org/2010/sessions/1102>, titled “Audio Capture In Every Classroom Using Echo 360 Client Software,” and downloaded at my direction on January 9, 2022.

17. Attached as **Ex. E-11** to this Declaration is a true and correct copy of excerpts from Plaintiff BoxCast Inc.’s Objections and Responses to Defendant Resi Media LLC’s First Set of Interrogatories, served on November 12, 2021.

18. Attached as **Ex. E-12** to this Declaration is a true and correct copy of emails exchanged between BoxCast employees and employees of the company Echo360, dated between May 2014 and September 2014 regarding Echo360’s testing of BoxCast’s products and services, and also records of tests performed by Echo360 in July and August 2014.

19. Attached as **Ex. G** to this Declaration is a true and correct copy of excerpts from the Deposition of Paul Martel, taken on January 12, 2022.

20. Attached as **Ex. H** to this Declaration is a true and correct copy of excerpts from the Deposition of Cleve B. Tyler, Ph.D., taken on January 7, 2022.

21. Attached as **Ex. I** to this Declaration is a true and correct copy of a webpage page titled, "Live Stream Church Services: Widen Your Reach & Deepen Your Impact," from Resi's website, www.resi.io.

22. Attached as **Ex. J** to this Declaration is a true and correct copy of excerpts from Defendant Resi Media, LLC's Objections and Responses to Plaintiff BoxCast Inc.'s First Set of Interrogatories, served on December 17, 2021.

23. Attached as **Ex. K** to this Declaration is a true and correct copy of a document produced in this case by Resi, Bates Numbered Document RESI04648-04661.

24. Attached as **Ex. L** to this Declaration is a true and correct copy of a document produced in this case by Resi, Bates Numbered Document RESI05251-05261.

25. Attached as **Ex. M** to this Declaration is a true and correct copy of a collection of Resi customer reviews from <https://www.g2.com/products/resi/reviews>; <https://www.productionhub.com/press/65624/living-as-one-introduces-web-platform-automatic-highly-resilient-streaming-to-any-device>; and <https://www.24-7pressrelease.com/press-release/474994/living-as-one-announces-rebranding-changes-name-to-resi>.

26. Attached as **Ex. N** to this Declaration is a true and correct copy of excerpts from the Deposition of Collin Jones, taken on January 10, 2022.

I, Mark W. McDougall, declare under penalty of perjury that the foregoing Declaration is true and correct.

Dated: January 19, 2022

/s/ Mark W. McDougall
Mark W. McDougall